

Filed for intro on 02/22/95  
Senate Bill \_\_\_\_\_  
By \_\_\_\_\_

House No. HB1625  
By Jones

AN ACT relative to simulcasts, teletheaters, and fairs and to amend  
Tennessee Code Annotated, Sections 4-36-103, 4-36-302,  
4-36-303, 4-36-306(b)(2) and (3), and 4-36-401.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 4-36-103, is amended by deleting the  
definitions "(1) "Association"" and "(5) "Municipality"" in their entirety and by substituting instead  
the following:

(1) "Association" means, as the context requires, any person applying to the  
Tennessee state racing commission for a license to conduct a race meeting or any  
person licensed by the commission to engage in the conduct of a race meeting.

(5) "Municipality" means any incorporated municipality.

AND FURTHER AMEND Section 4-36-103 by inserting the following new definitions, to be  
appropriately numbered:

( ) "Dark day" means a day on which the association does not conduct live  
racing on its track surface.

( ) "Fair" means a county, district, or division fair as defined in section 43-21-104 which qualifies for state aid grants under section 43-2 1- 102.

( ) "Enclosure" means the real property and appurtenances and improvements thereto which is contiguous or adjacent to the association's racing surface and is owned, leased or otherwise possessed by the association for purposes related to its conduct of pari-mutuel wagering.

( ) "Premises" means any real property and the appurtenances and improvements thereto which is owned, leased, or otherwise possessed by the association for purposes related to its conduct of pari-mutuel wagering.

( ) "Satellite teletheater" or "satellite simulcast teletheater"

SECTION 2. Tennessee Code Annotated, Section 4-36-302(1)(C), is amended by deleting the language thereof in its entirety and substituting instead the following:

(1)(C) Except for associations which are fairs, the commission shall not grant more than one (1) license to conduct racing in each grand division, as defined in chapter 1, part 2 of this title.

SECTION 3. Tennessee Code Annotated, Section 4-36-303, is amended by deleting subsection (b)(2) in its entirety and substituting instead the following:

(b)(2) Provided further, any association, except a fair, which requests approval for at least twenty-one (21) live racing days may also request approval to conduct simulcast wagering on dark days at the enclosure and/or simulcast wagering at a satellite teletheater.

AND FURTHER AMEND Section 4-36-303 by adding a new subsection to be designated subsection (b)(3) as follows:

(b)(3) An association which makes application for an initial race meeting license, may request approval to conduct simulcast wagering on its premises which are within the same local governmental boundaries as its enclosure prior to the initial

commencement of live racing at such enclosure. Such approval, however, shall not be given by the commission prior to the grant of a race meeting license. Provided further, such simulcast wagering shall be considered to be conducted at the enclosure.

SECTION 4. Tennessee Code Annotated, Section 4-36-306, subdivision (b)(2), is amended by adding after the language "calculating the tax due." the following sentences:

Provided further, the tax shall be applied separately to the parimutuel handles at each track and/or simulcast teletheater. The association shall indicate to the department of revenue the amount of tax paid for each track and/or simulcast teletheater and the name of the municipality or county (if outside the corporate boundaries of a municipality) wherein the track and/or simulcast teletheater is located.

SECTION 5. Tennessee Code Annotated, Section 4-36-306, subdivision (b)(3) is amended by deleting the subdivision in its entirety and substituting instead the following:

(b)(3)(A) The department of revenue shall pay thirty percent (30%) of the tax paid by a track under this subsection to the director of finance or other appropriate financial officer of the municipality wherein such track is located. If a track is not located within the corporate boundaries of a municipality, the department of revenue shall pay thirty percent (30%) of the tax paid by such track under this subsection to the director of finance or other appropriate financial officer of the county wherein such track is located. If a track is located in any county having a metropolitan form of government, the department of revenue shall pay thirty percent (30%) of the tax paid by such track under this subsection to the director of finance of the metropolitan government. The proceeds designated by this subdivision for a local government shall be earmarked for law enforcement and education programs. If the commission determines that a proposed track will increase expenditures in a city or county other than the city or county in which the track is located, the commission shall have the power to require that a portion of the

tax proceeds allocated in this subsection shall be paid by the department of revenue to such city or county.

(b)(3)(B) The department of revenue shall pay thirty percent (30%) of the tax paid by a satellite teletheater under this subsection to the director of finance or other appropriate financial officer of the municipality wherein such satellite teletheater is located. If a satellite teletheater is not located within the corporate boundaries of a finance of the metropolitan government. The proceeds designated by this subdivision for a local government shall be earmarked for law enforcement and education programs. If the commission determines that a proposed satellite teletheater will increase expenditures in a city or county other than the city or county in which the satellite teletheater is located, the commission shall have the power to require that a portion of the tax proceeds allocated in this subsection shall be paid by the department of revenue to such city or county.

SECTION 6. Tennessee Code Annotated, title 4, chapter 36, part 3, is amended by adding a new section as follows:

4-36-311. Fairs. -- Notwithstanding any other provisions of this part to the contrary, the commission may establish by rule separate provisions regarding the conduct of live racing and simulcasts by fairs. Such provisions shall include, but not be limited to, content of race meeting license applications, qualifications for licensure, criteria for consideration of a license application, fees and bonds, association duties and obligations, length of race meetings, wagering at the enclosure and/or satellite simulcast teletheaters, and commission personnel.

SECTION 7. Tennessee Code Annotated, Section 4-36-401, is amended `by inserting two (2) new subsections, to be designated subsection (e) and subsection as follows:

(e) After the effective date of this act, a county or municipal legislative body may by resolution or ordinance call a referendum on whether pari-mutuel wagering on horse

racing shall be permitted at a satellite simulcast teletheater located in that county or municipality. Upon approval by the county or municipal legislative body, the county election commission shall call a referendum at the next regularly scheduled county-wide or municipality-wide general election on the question of whether pari-mutuel wagering on horse racing at a satellite simulcast teletheater shall be permitted in that county or municipality. The question to be placed on the ballot shall read as follows:

Shall (here insert name of county or municipality) permit pari-mutuel wagering on horse racing at satellite teletheaters?

FOR\_\_\_\_\_ AGAINST\_\_\_\_\_

(f) As an alternative to a county or municipality by resolution or ordinance calling a referendum, a petition signed by the residents of a county or municipality, as the case may be, equal to or exceeding a number amounting to ten percent (10%) of the votes cast for sheriff at the last preceding August general election shall require the county election commission to place the question stated in subsection (e) on the ballot at the next regularly scheduled election. Such petition shall be addressed to the county election commission of such county, or county in which such municipality is located, and shall read, except for such address, substantially as follows:

"We, registered voters of (here insert name of county or municipality, as the case may be), hereby request the holding of a referendum on the question of whether pari-mutuel wagering on horse racing shall be permitted at satellite teletheaters."

Such petition may be in two (2) or more parts.

SECTION 8. Tennessee Code Annotated, Section 4-36-302(1)(A)(v) is amended by deleting the words "outdoor track" wherever they appear and substituting instead the following:  
track and/or satellite teletheater

SECTION 9. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 10. This act shall take effect upon becoming a law, the public welfare requiring it.